could in no wise make. But assuming that a collateral attack might be permitted in a case like this one, can the rule be invoked in behalf of a judgment debtor who was personally present when the decree was given, and who is not alleged to have protested the decree or sale in that court? In *Clark v. Glos*, 180 Ill. 556, 574, the court uses this language: "The judgment debtor or his grantee has no right to lie by and permit the purchaser to obtain a deed, and then have the action of the officer in making the sale and deed abrogated. Irregularities such as are here complained of are such as the judgment debtor himself can insist upon, and therefore he may waive them by too great delay in applying to have the sale set aside." It may be at once answered that jurisdictional defects cannot be raised. It is submitted, however, that the reasonable and just solution of the problem appears in *Fitch v. Wetherbee*, 110 Ill. 475, where the court held that error in the decree in providing for redemption as required by statute did not nullify the sale, but that the erroneous part of the decree should be treated as inoperative and the purchaser take title as allowed by the statute.

LANDLORD AND TENANT—LEASE OF FLOOR—CONTROL OF OUTER WALLS.—In a lease of the fourteenth floor of a building to plaintiff the lessee was forbidden to erect signs without the lessor's consent. On license from the landlord the lessee of lower floors in the same building erected on the outside of the building at the level of the fourteenth floor an advertising sign. In an action against the landlord and the second lessee to enjoin the maintenance of such sign, *held*, that "the outer face of the walls is equally with the inner face a part of the premises demised," hence injunction should be granted. *Stahl v. Satenstein* (N. Y., 1922), 135 N. E. 242.

Where a large section or whole floor is leased for business purposes "the right to the use and occupation of the outer walls passes as parcel of the demised premises proper." *Riddle v. Littlefield*, 53 N. H. 503. See also to the same effect *Baldwin v. Morgan*, 43 Hun. 355; *Lowell v. Strahan*, 145 Mass. 1; *Snyder v. Kulesh*, 163 Iowa 748; *Forbes v. Gorman*, 159 Mich. 291; *Carlisle Cafe Co. v. Muse Bros. & Co.*, 67 L. J. Ch. 53; *Hope Bros., Ltd., v. Cowan* [1913], 2 Ch. 312; *Law & Gansel v. Haley, Poole & Co.*, 9 Ohio Dec. (Reprint) 785. But where a single room or small suite in an office building is leased for business purposes title to the outer walls presumptively remains in the landlord. *Fuller & Bagley v. Rose*, 110 Mo. App. 344. By express limitation in the lease the tenant's interest in the outer walls may be restricted to a revocable license from the landlord. *Pevey v. Skinner*, 116 Mass. 129. The right is generally deemed "essential to the reasonable and proper enjoyment of the interior of the building," but in *Lowell v. Strahan, Fuller v. Rose*, and *Pevey v. Skinner, supra*, the question is declared to be wholly one of intention, with the presumption ordinarily in the tenant's favor. The New York court in the principal case refused to rest their decision on the express ground that title to the outer walls passed with the lease, saying that the restrictive agreement by the plaintiff could not, at any rate, operate to amplify the rights of the other tenants as against him. The ruling of law thus avoided seems to be the only one on which

the case is supportable, for if full title to the outer walls remained in the landlord he clearly could, on the authority of *Fuller v. Rose,* license the erection of signs not directly injurious to the plaintiff.

LIBEL AND SLANDER—MISTAKE IN THE NAME OF PERSON—LIBEL WITHOUT INTENT.—In an action on the case for libel it was alleged and proved that the plaintiff, R. Laudati, was called an embezzler and charged with misappropriating certain funds, in a circular prepared and published by the defendant and certain members of an Italian organization of which the defendant was the presiding officer. The facts show that the plaintiff's uncle, N. Laudati, who was an officer in the Italian organization, was meant. *Held,* that liability depends on whether the accusation applies to plaintiff and not whether so intended. *Laudati v. Stea* (R. I., 1922), 117 Atl. 422.

The tendency of modern courts in this country is to disregard intent as an element of libel. *Farley v. Evening Chronicle Pub. Co.,* 113 Mo. App. 216; *Whiting v. Carpenter* (Neb., 1903), 93 N. W. 926; *Sisler v. Mistrot* (Tex., 1917), 192 S. W. 565. Carelessly to utter defamatory statements entails the same responsibility for the injurious consequences as negligently to shoot off a gun. Hence, it is no defense to an action of libel that the defendant did not intend to injure the plaintiff: *Curtis v. Mussey,* 6 Gray (Mass.) 261; *Nash v. Fisher,* 24 Wyo. 535; *Haire v. Wilson,* 9 B. & C. 643; for every person is presumed to have intended the natural and probable consequences of his own acts. *Morris v. Sailer* (Mo., 1911), 134 S. W. 98; *Hamlin v. Fantl,* 118 Wis. 594. A person is liable for slander spoken in jest. *Hatch v. Potter,* 2 Gilman (Ill.) 725. So it has been held that a defendant is liable for a libelous publication intended to refer to a fictitious person, but reasonably believed by third persons to refer to the plaintiff. *Jones v. Hulton & Co.,* L. R. [1909] 2 K. B. 444; *Corrigan v. Bobbs-Merrill Co.* (N. Y., 1920), 126 N. E. 260. In *Peck v. Tribune,* 214 U. S. 185, the court says: "If the publication was libelous the defendant took the risk. * * * The law looks to the tendency and the consequences of the publication, not at the intention of the publisher." ODGERS ON LIBEL AND SLANDER, Ed. 5, 341. Some courts, however, still cling to the old idea that intent is the gist of the action of libel. So, in *Hanson v. Globe Newspaper Co.,* 159 Mass. 293, a case similar on its facts to the principal case, in considering the question of intent, the court said that extrinsic evidence was admissible to show to whom the defendant intended to apply his remarks. But this case is overwhelmed by contrary authorities of other jurisdictions. *Taylor v. Hearst,* 107 Cal. 262; *Hulbert v. New Nonpareil Co.,* 111 Ia. 490; *Peck v. Tribune, supra; Every Evening Printing Co. v. Butler,* 144 Fed. 916; *Davis v. Marxhausen,* 86 Mich. 281, second appeal, 103 Mich. 315. It is to be noted that in *Sweet v. Post Pub. Co.,* 215 Mass. 450, a case similar on its facts to *Hanson v. Globe Newspaper Co., supra,* the court took the view of the court in the principal case and held that a newspaper cannot escape liability for libel because it was honestly mistaken in the name of the person. The Massachusetts court attempted to distinguish the two cases on the ground that in *Hanson v. Globe Newspaper Co., supra,* the language